

UNITED STATES COURT OF APPEALS DISTRICT OF COLUMBIA CIRCUIT

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AGENCY DOCKETING STATEMENT

Administrative Agency Review Proceedings (To be completed by appellant/petitioner)

1. CASE NO. 24-1251 2. DATE DOCKETED: 08/15/2024
3. CASE NAME (lead parties only) Concerned Citizens of St. John, et al. v. Environmental Protection Agency, et al.
4. TYPE OF CASE: ☒ Review ☐ Appeal ☐ Enforcement ☐ Complaint ☐ Tax Court
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? ☐ Yes ☒ No
If YES, cite statute _____
6. CASE INFORMATION:
 - a. Identify agency whose order is to be reviewed: Environmental Protection Agency
 - b. Give agency docket or order number(s): EPA-HQ-OAR-2022-0730
 - c. Give date(s) of order(s): May 16, 2024
 - d. Has a request for rehearing or reconsideration been filed at the agency? ☐ Yes ☒ No
If so, when was it filled? _____ By whom? _____
Has the agency acted? ☐ Yes ☒ No If so, when? _____
 - e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2):
See attachment.
 - f. Are any other cases involving the same underlying agency order pending in this Court or any other?
☒ Yes ☐ No If YES, identify case name(s), docket number(s), and court(s)
See attachment.
 - g. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents?
☐ Yes ☒ No If YES, give case name(s) and number(s) of these cases and identify court/agency: _____
 - h. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? ☐ Yes ☒ No If YES, provide program name and participation dates. _____

Signature /s/ Deena Tumeh Date 08/15/2024

Name of Counsel for Appellant/Petitioner Deena Tumeh

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ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement.

Attachment to Agency Docketing Statement
Concerned Citizens of St. John, et al. v. EPA, No. 24-1251

6.e. Identify the basis of appellant's/petitioner's claim of standing. *See D.C. Cir. Rule 15(c)(2).*

Petitioners Concerned Citizens of St. John, RISE St. James Louisiana (a project of Earth Island Institute), Louisiana Environmental Action Network, Texas Environmental Justice Advocacy Services, Air Alliance Houston, California Communities Against Toxics, Environmental Integrity Project, and Sierra Club seek review of the United States Environmental Protection Agency's final agency action, "New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants for the Synthetic Organic Chemical Manufacturing Industry and Group I & II Polymers and Resins Industry," ("Rule") published at 89 Fed. Reg. 42,932 on May 16, 2024.

Petitioners are environmental groups dedicated to protecting communities from toxic air pollution, including toxic air pollution from facilities regulated under the Rule. Their members live, work, and recreate near facilities regulated under the Rule and thus are exposed to these facilities' toxic air pollution. This pollution threatens their health and impairs their ability to engage in and diminishes their enjoyment of various activities important to their quality of life.

The Rule injures Petitioners by unlawfully and arbitrarily failing to decrease toxic air pollution from these facilities as much as it should and by therefore prolonging and increasing harms to Petitioners' members' health, recreational, and other legally protected interests. This Court would remedy these harms by remanding the Rule and directing EPA to follow the Clean Air Act.

6.f. Are any other cases involving the same underlying agency order pending in this Court or any other?

This case has been consolidated with *Denka Performance Elastomer LLC v. EPA* (D.C. Cir. 24-1135) (lead), *Louisiana, et al. v. EPA* (D.C. Cir. 24-1228), *Texas v. EPA* (D.C. Cir. 24-1246), *Vinyl Institute, Inc. v. EPA* (D.C. Cir. 24-1249), *American Chemistry Council, et al. v. EPA* (D.C. Cir. 24-1250), and *Huntsman Petrochemical LLC v. EPA* (D.C. Cir. 24-1252). *Denka Performance Elastomer LLC v. EPA* (5th Cir. 24-60351) also involves the same agency order.

CERTIFICATE OF SERVICE

I certify that on August 15, 2024, I served the foregoing on all registered counsel through the court's electronic filing system (ECF).

Dated: August 15, 2024

/s/ Deena Tumeh
Deena Tumeh